

**IN THE UNITED STATES DISTRICT COURT  
FOR WESTERN DISTRICT OF PENNSYLVANIA**

CHRISTOPHER IRWIN,

CIVIL DIVISION

Plaintiff,

C.A. No. 04-246 Erie

-vs-

Magistrate Judge Susan Paradise Baxter

NURSE 1, NURSE 2, NURSE 3, WARDEN  
WASHINGTON COUNTY  
CORRECTIONAL FACILITY,  
PATROLMAN RAYMOND, CHARTIERS  
TWP. POLICE DPT.,

Defendants.

**ANSWER AND AFFIRMATIVE DEFENSES TO AMENDED COMPLAINT**

AND NOW comes the Defendants, NURSE 1, NURSE 2, NURSE 3, WARDEN  
WASHINGTON COUNTY CORRECTIONAL FACILITY, by and through their attorney,  
Edmond R. Joyal, Jr., Esquire and Law Office of Joseph S. Weimer and files the within Answer  
and Affirmative Defenses.

**ANSWER**

1. Defendants deny any and all allegations contained within Plaintiff's  
Complaint.

**FIRST AFFIRMATIVE DEFENSE**

Plaintiffs' Complaint fails to state a claim against the Defendants upon which  
relief can be granted.

**SECOND AFFIRMATIVE DEFENSE**

The Defendants' actions conformed to all applicable laws and regulations at all times relevant hereto.

**THIRD AFFIRMATIVE DEFENSE**

Plaintiff's Complaint is barred by the statute of limitations.

**FOURTH AFFIRMATIVE DEFENSE**

Plaintiff's cause of action is barred by the doctrines of collateral estoppel and/or *res judicata*.

**FIFTH AFFIRMATIVE DEFENSE**

Plaintiff was not deprived of any right secured by the United States Constitution.

**SIXTH AFFIRMATIVE DEFENSE**

This court lacks jurisdiction over the subject matter of this action.

**SEVENTH AFFIRMATIVE DEFENSE**

Plaintiff failed to mitigate damages.

**EIGHTH AFFIRMATIVE DEFENSE**

This Defendant denies each and every other allegation, matter and averment made or contained in Plaintiff's Complaint not specifically and previously admitted herein.

**NINTH AFFIRMATIVE DEFENSE**

The Defendants assert all other defenses, immunities, and limitations of damages available to it under the Political Subdivision Tort Claims Act and avers that Plaintiffs' remedies, if any, are limited exclusively thereto.

**TENTH AFFIRMATIVE DEFENSE**

Defendants state that while it denies the allegations and averments made or contained in Plaintiff's Complaint, any and all acts or actions committed by its employees were discretionary in nature and taken in good faith.

**ELEVENTH AFFIRMATIVE DEFENSE**

Defendants reserve the right to plead and assert additional Affirmative Defenses when facts supporting said Affirmative Defenses become known and available.

**TWELFTH AFFIRMATIVE DEFENSE**

The Defendants plead each defense available to them pursuant to the Prison Litigation Reform Act and specifically claim that the plaintiff failed to exhaust his administrative remedies as required by it.

**THIRTEENTH AFFIRMATIVE DEFENSE**

Plaintiff has failed to make adequate, sufficient and appropriate service of process on the defendants in this matter.

WHEREFORE Defendants deny any and all liability and demands that judgment be entered in its favor with costs and attorney fees.

**DEFENDANT DEMANDS TRIAL BY JURY**

LAW OFFICE OF JOSEPH S. WEIMER

BY: s/Edmond R. Joyal, Jr.  
Edmond R. Joyal, Jr., Esquire  
Pa. I.D. #65907  
Attorney for Defendant, Washington  
County Correctional Facility  
Law Office of Joseph S. Weimer  
975 Two Chatham Center  
Pittsburgh, PA 15219  
(412) 338-3184

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing Answer and Affirmative Defenses has been served by First Class Mail, postage pre-paid, upon the following parties on this 21<sup>st</sup> day October, 2005.

Christopher Irwin  
SCI Albion  
10745 Route 18  
Albion, PA 16475  
(*Pro Se Plaintiff*)

Mark R. Lane, Esquire  
Dell, Moser, Lane & Loughney  
525 William Penn Place, Suite 3700  
Pittsburgh PA 15219  
(*Counsel for Chartiers Twp. Police Dept.*)

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BY: s/Edmond R. Joyal, Jr.  
Edmond R. Joyal, Jr., Esquire  
Pa. I.D. #65907  
Attorney for Defendant, Washington  
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